

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JANUARY 11, 2005
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:14 a.m. Mayor Murphy recessed the meeting at 10:35 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 10:46 a.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 12:00 p.m. for the noon break.

The meeting was reconvened by Mayor Murphy at 2:10 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:43 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:55 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:01 p.m. into Closed Session immediately following the regular meeting in the twelfth floor committee room to discuss existing and pending litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Young-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (gs/ek)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Hasenin called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council District 4 - Vacant
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given by Dr. Richard Freeman of United Church of Christ Community Congregational Church.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Peters.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Clive Richard commented on term limits and election results.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:56 a.m. – 10:58 a.m.)

PUBLIC COMMENT-2:

Al Strohlein commented on the Pension Board.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:59 a.m. – 11:01 a.m.)

PUBLIC COMMENT-3:

Linda Kelson commented on replacing the rope at Casa Beach in order to protect the sea lions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:02 a.m. – 11:04 a.m.)

PUBLIC COMMENT-4:

Jarvis Ross commented on the mayoral form of government.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:05 a.m. – 11:07 a.m.)

PUBLIC COMMENT-5:

Sandy Summers commented on domestic terrorism in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:08 a.m. – 11:10 a.m.)

PUBLIC COMMENT-6:

Bill Bradshaw commented on City finances.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:11 a.m. – 11:14 a.m.)

PUBLIC COMMENT-7:

Ron Boshun commented on actions of the City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:15 a.m. – 11:17 a.m.)

PUBLIC COMMENT-8:

Daniel Coffey commented on actions of the City Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:18 a.m. – 11:20 a.m.)

PUBLIC COMMENT-9:

Ian Trowbridge commented on retirement issues.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:21 a.m. – 11:23 a.m.)

PUBLIC COMMENT-10: REFERRED TO THE CITY MANAGER

Edward Johnson commented on being homeless after following the advice of the San Diego Police Department.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:24 a.m. – 11:26 a.m.)

PUBLIC COMMENT-11:

Mitchell James Duffy presented a power point on youth obesity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:28 a.m. – 11:32 a.m.)

PUBLIC COMMENT-12:

Frank Eaves commented on the torture of “Falun Gong” followers in Yantai, China.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:33 a.m. – 11:35 a.m.)

**PUBLIC COMMENT-13: REFERRED TO THE CITY MANAGER
AND CITY ATTORNEY**

Joe Kracht and Maureen Pechacek-Howe commented on sexual discrimination at Fairbanks Ranch Country Club.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:36 a.m. – 11:38 a.m.)

PUBLIC COMMENT-14: REFERRED TO THE CITY ATTORNEY

Muhammed Abdullah commented on President George Bush and the attacks on September 11.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:41 a.m. – 11:41 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Frye stated that she had requested in April of 2004 that the City Council and the City Manager follow Council Policy No. 000-20, where the City Manager was to prepare a report in November 2004 for there to be public hearings to discuss the budget adding that she sent out a memo on January 5th requesting that the City Council follow its policies and that a budget meeting should be held. Council Member Frye requested that the City Manager prepare the report so that Council discussion of the item can be docketed. Mayor Murphy indicated that he was sent a memo by the City Manager asking to docket an update on the FY 2005 and FY 2006 budgets, which will be docketed in the next 30 days.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:17 p.m. – 2:19 p.m.)

CITY MANAGER COMMENT:

None

CITY ATTORNEY COMMENT:

None.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED, WITH DIRECTION

Approval of Council Minutes for the meetings of:

11/15/2004
11/16/2004 - Adjourned
11/22/2004

11/23/2004
11/29/2004
11/30/2004
12/01/2004 - Special Meeting

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:14 p.m. – 2:16 p.m.)

MOTION BY PETERS TO APPROVE WITH DIRECTION THAT THE MINUTES FOR NOVEMBER 30, 2004 BE CONTINUED TO JANUARY 24, 2005 SO THAT CERTAIN MATERIAL ISSUES THAT HE DID NOT INCLUDE IN THE MOTION FOR ITEM 334 MAY BE ADDED. REQUEST THAT HIS STAFF WORK WITH THE CITY CLERK TO MAKE SURE THAT THOSE ITEMS ARE REFLECTED. Second by Frye. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: George I. Loveland Day.

MAYOR MURPHY’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-711) ADOPTED AS RESOLUTION R-300024

Recognizing the retirement of George I. Loveland, a public servant that demonstrated recognized leadership and earned respect from personal and business associates for his integrity and honorable conduct. George is respected as a proven manager who exemplifies the highest level of personal development and professional management;

Proclaiming January 11, 2005, to be “George I. Loveland Day” in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:17 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District Four-vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191**

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 11, 2005

DCA assigned: Devaney

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

Closed Session Comment 1:

Margie Peary stated that residents of De Anza have been asked to pay a Supplemental County Tax bill. In the past this tax was deducted from the rent and paid by De Anza management. The judge is tending to view this as a rent increase which violates the status quo ruling.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:44 a.m. – 11:46 a.m.)

Mayor Murphy closed the hearing.

Conference with Legal Counsel, pursuant to Government Code section 54957:

CS-2 *Homeland Security*

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 11, 2005

DCA assigned: Linley

In closed session, the Office of Homeland Security will advise the Mayor and City Council of the City and region's risk profile, an assessment of our capabilities and needs, and our regional strategy to address our gaps and ensure our preparedness for all hazards.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:43 a.m. – 11:43 a.m.)

Mayor Murphy closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-3 *Agency negotiators:* *Lamont Ewell, Cathy* *Lexin, Mike McGhee*

Employee organizations: Municipal Employees Association, Local
127 AFSCME, AFL-CIO, Local 145
International Association of Firefighters
AFL-CIO, San Diego Police Officers
Association

REFERRED TO CLOSED SESSION ON TUESDAY, JANUARY 11, 2005

HDCA assigned: Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.

Closed Session Comment 1:

Ann Smith stated that the advice as proposed in the memo by City Attorney Michael Aguirre is filled with wrongful information. Ms. Smith stated that vested pension benefits are established as a matter of right under the Federal and State Constitution and cannot be bargained away by a labor union in collective bargaining. If the City took the position as recommended by Mr. Aguirre, it would result in bad faith bargaining.

Closed Session Comment 2:

Johnne Perkins asked that the City Council direct a negotiating team to begin discussions with the City's work force to develop a consensus agreement on a new contract with the City. Mr. Perkins inquired as to who will be conducting the negotiations, and who labor and the San Diego City Firefighters should be working with during those negotiations.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:48 a.m. – 11:59 a.m.;
2:11 p.m. –2:13 p.m.)

Mayor Murphy closed the hearing.

ITEM-50: Sea Breeze Carmel View Rezone.

(Carmel Valley Community Plan Area. District 1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/30/2004, Item 334, Subitem-C. (Council voted 8-0. District 4-vacant):

(O-2005-68) ADOPTED AS ORDINANCE O-19345 (New Series)

Rezoning 5.4 acres located at the south west corner of Shaw Ridge Road and Carmel Creek Road, within the Carmel Valley Community Plan area, in the City of San Diego, California, from the Carmel Valley Planned District SF2 and OS

Zones into the Carmel Valley Planned District NC Zone, as defined by San Diego Municipal Code Sections 103.0610 and 103.0614.

FILE LOCATION: LUP-Sea Breeze Carmel View, 11/30/04 (65)

COUNCIL ACTION: (Time duration: 10:54 a.m. – 10:55 a.m.)

MOTION BY PETERS TO GRANT THE PERMITS, THE MULTI-HABITAT AREA BOUNDARY LINE ADJUSTMENT AND HEIGHT DEVIATION, WITH THE REQUIREMENT THAT ANY SUBSTANTIAL CONFORMANCE REVIEW TAKE PLACE UNDER PROCESS 2 WITH NOTIFICATION TO THE COMMUNITY. TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE WITH THE FOLLOWING DIRECTIONS: COLOR OF THE BUILDINGS IS IMPORTANT AND SHALL NOT BE CHANGED; PARKING SHALL BE CONFIGURED TO BE INVISIBLE FROM THE TRAIL; THE FOOD SERVICE IS A WAITING PLACE FOR THE TRAIL AND IS A VERY IMPORTANT TRAIL AMENITY WHICH NEEDS TO BE PRESERVED; THE LANDSCAPING SHIELDS THE BUILDING AND IS IMPORTANT; THE BUILDING SHALL BE SET BACK AS FAR AS POSSIBLE. CHANGES MAY NOT BE MADE BY STAFF UNDER THE ASSUMPTION THAT THEY ARE MINOR. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: Communications Site Lease Agreement with the County of San Diego for the Lake San Marcos Peak Communications Site.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 12/07/2004, Item S501.
(Council voted 7-0. Councilmember Inzunza not present. District 4-vacant):

(O-2005-67) ADOPTED AS ORDINANCE O-19346 (New Series)

Authorizing the City Manager to execute a 10-year Communications Site Lease with the County of San Diego for the installation, operation, and maintenance of a new paging transmitter on a portion of Lake San Marcos Peak located in the County of San Diego at a monthly rent of \$500 with an annual increase, under the terms and conditions set forth in the Communications Site Lease Agreement.

FILE LOCATION: LEAS-County of San Diego for the Lake San Marcos Peak Communications Site

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-52: Six actions related to Multiple School Joint Use Agreements for the Construction, Operation, Maintenance, and Lease of Turfed Fields and Recreation Facilities.

(Pacific Beach, University, Scripps Miramar Ranch, Allied Gardens, Mid-City, and Clairemont Mesa Community Areas. Districts 1, 2, 5, 6, and 7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 12/07/2004, Item 55. (Council voted 7-0. Councilmember Inzunza not present. District 4-vacant):

Subitem-A: (O-2005-69) ADOPTED AS ORDINANCE O-19347 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf and lighted fields and recreational facilities at Lewis Middle School Site.

Subitem-B: (O-2005-70) ADOPTED AS ORDINANCE O-19348 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Jerabek Elementary School Site and making funding provisions.

Subitem-C: (O-2005-72) ADOPTED AS ORDINANCE O-19349 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turf fields and recreational facilities at Crown Point Elementary School Site.

Subitem-D: (O-2005-73) ADOPTED AS ORDINANCE O-19350 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Doyle Elementary School Site.

Subitem-E: (O-2005-74) ADOPTED AS ORDINANCE O-19351 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of turfed fields and recreational facilities at Mann Middle School Site.

Subitem-F: (O-2005-75) ADOPTED AS ORDINANCE O-19352 (New Series)

Authorizing the City Manager to execute an Agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of lighted fields and recreational facilities at Marston Middle School Site.

NOTE: 6 votes required pursuant to Section 99 of the San Diego City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCES. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Sewer Pump Stations 34 and 5 Change Order No. 2.

(Centre City Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-696) ADOPTED AS RESOLUTION R-300025

Authorizing the City Manager to enter into negotiations with T.C. Construction, Inc. for Change Order No. 2 and to execute said Change Order in an amount not to exceed \$750,000, in connection with the contract for Sewer Pump Stations 34 and 5;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$750,000 from Sewer Fund 41506, CIP-46-602.6, Sewer Pump Station 79 to Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station;

Authorizing the expenditure of an amount not to exceed \$839,948 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station, solely and exclusively for the purpose of providing funds for Sewer Pump Stations 34 and 5, Change Order No. 2, and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station 34 and Sewer Pump Station 5 are located within the Centre City Community area near the intersection of Harbor Drive and Crosby Street. The existing ventilation, electrical, and control equipment for SPS 34 was installed in 1948 and is worn and obsolete. The Project's goal is to eliminate SPS 34, upgrade SPS 5, and divert the flow via gravity main from SPS 34 to SPS 5. Advertising of this Project was approved by the City Council on March 17, 2003, and the award to T.C. Construction, Inc., the lowest responsible and reliable bidder, was approved on August 4, 2003. During the installation of the gravity main, the underground water was found to be excessively contaminated with petroleum hydrocarbons including gasoline, which required a complex treatment process prior to its disposal. During dewatering operations, flammable gases were encountered which required declaring the Project Site a "clean up site" as defined by OSHA as of September 2, 2004. The Contractor was directed to obtain specialized HAZWOPER (Hazardous Waste Operations and Emergency Response) training and proceed with the work under those strict safety requirements.

The extent of the contamination encountered was unanticipated. Soil investigations done during design did not discover any significant soil or groundwater contamination at the Project Site. Neither the City nor its Contractor is considered to be a source or cause of the contamination. Project staff is working with the Regional Water Quality Control Board (RWQCB) to determine

the source and the responsible party for the release. Based on the results of the investigations, Project Staff will evaluate its options for cost recovery against the responsible party.

The additional work to be completed within the scope of Change Order #2 is necessary in order to complete the demolition of SPS 34 and meet the City's deadline as specified under EPA requirements. It is recommended that this work be completed expeditiously to avoid any impacts to residents, institutions, and businesses in the vicinity of the Project Site.

FISCAL IMPACT:

This request for \$839,948 for this purpose is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration for this purpose.

Mendes/Boekamp/HR

Aud. Cert. 2500593.

FILE LOCATION: CONT-TC Construction, Inc., W. O. 176031

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Reprogramming of Community Development Block Grant (CDBG) Funds Related to HUD Section 108 Loan Repayments.

(Districts 1, 2, 3, 4, 7, and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-700) ADOPTED AS RESOLUTION R-300026

Authorizing the City Manager to reprogram an amount not to exceed \$395,684 from HUD 108 loan repayment accounts to Council District Reserve Accounts as follows:

- Reprogram \$409 into District 1's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1601) by transferring funds from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)
- Reprogram \$31,632 into District 2's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1602) from Fund 18540, Dept. 4315, Org. 1509 (Section 108 Loan Repayment for the Ocean Beach Library)
- Reprogram \$71,799 into District 3's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1603) by transferring funds from the following accounts:
 - 1. \$10,000 from Fund 18539, Dept. 4285, Org 8518 (Section 108 Loan Repayment for the proposed Food Bank loan)
 - 2. \$1,249 from Fund 18540, Dept. 4315, Org 1511 (Section 108 Loan Repayment for the proposed Food Bank loan)
 - 3. \$2,807 from Fund 18540, Dept. 4315, Org. 1506 (Section 108 Loan Repayment for the proposed LGBT Center loan)
 - 4. \$53,743 from Fund 18540, Dept. 4315, Org. 1505 (Section 108 Loan Repayment for the D-3 Public Improvements loan)
 - 5. \$4,000 from Fund 18540, Dept. 4315, Org. 1516 (Section 108 Loan Repayment for the proposed Vietnamese Federation loan)
- Reprogram \$207,733 into District 4's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1604) by transferring funds from the following accounts:
 - 1. \$50,799 from Fund 18539, Dept. 4285, Org. 8504 (Section 108 Loan Repayment for the D-4 Senior Center loan)
 - 2. \$156,934 from Fund 18540, Dept. 4315, Org. 1512 (Section 108 Loan Repayment for the D-4 Senior Center loan)
- Reprogram \$48,486 into District 7's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1607) by transferring funds from the following accounts:
 - 1. \$409 from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)

2. \$48,077 from Fund 18540, Dept. 4315, Org 1503 (Section 108 Loan Repayment for the College Rolando Library).
- Reprogram \$21,188 into the Loan Repayment Account for the Logan Heights Branch Library (Fund 18540, Dept. 4315, Org. 1507) by transferring funds from the following accounts:
 1. \$10,000 from Fund 18539, Dept. 4285, Org. 8506 (Section 108 Loan Repayment for the proposed Golden Hill Community Center loan)
 2. \$11,188 from Fund 18540, Dept. 4315, Org. 1510 (Section 108 Loan Repayment for the proposed Otay Mesa/Nestor Branch Library)
- Reprogram \$14,437 into District 8's CDBG Reserve (Fund 18540, Dept. 4316, Org. 1608) by transferring funds from the following accounts:
 1. \$4,062 from Fund 18540, Dept. 4315, Org. 1510 (Section 108 Loan Repayment for the proposed Otay Mesa/Nestor Branch Library)
 2. \$9,126 from Fund 18539, Dept. 4285, Org. 8507 (Section 108 Loan Repayment for the proposed Logan Heights Family Health Center loan)
 3. \$1,249 from Fund 18540, Dept. 4315, Org. 1511 (Section 108 Loan Repayment for the proposed Food Bank Loan)

CITY MANAGER SUPPORTING INFORMATION:

Most of the City's Housing and Urban Development (HUD) Section 108 loans are repaid with Community Development Block Grant (CDBG) funds. Staff develops the CDBG budget each spring for the following fiscal year. For previously funded loans, the payment schedule is fixed and the exact amount needed each year is budgeted. For pending loans, staff estimates the amount of money needed for repayment based on the expected date of funding and applicable interest rates. If a loan is funded later than expected or at a lower interest rate than estimated, there can be excess CDBG funds. Conversely, if a loan is funded earlier than expected or at a higher interest rate than estimated, there may be a need to supplement what was originally budgeted for repayment. In addition, interest accrues on most loans. Since interest can be used only to repay the loan, there is a resulting offset of CDBG funds budgeted for repayment. Periodic readjustments of the amount of CDBG funds budgeted for Section 108 repayments usually results in CDBG funds that can be recaptured for other projects.

Staff has identified reprogramming adjustments, which have the following net effects:

District 1: Reprogramming \$409 that was budgeted for repayment of the proposed Food Bank loan by transferring that amount to District 1's CDBG Reserve Account.

District 2: Reprogramming \$31,632 that was budgeted for repayment of the Ocean Beach Library Loan by transferring that amount to District 2's Reserve Account.

District 3: Reprogramming \$71,799 that was budgeted for repayment of the Food Bank, LGBT, District 3 Public Improvements, and the Vietnamese Federation loans by transferring that amount to District 3's CDBG Reserve Account.

District 4: Reprogramming \$207,733 that was budgeted for repayment of the District 4 Senior Center loan by transferring that amount to District 4's CDBG Reserve Account.

District 7: Reprogramming \$48,486 that was budgeted for repayment of the Food Bank and the College-Rolando Library loans by transferring that amount to District 7's CDBG Reserve Account.

District 8: (1) Reprogramming \$21,188 that was budgeted for the Golden Hill Community Center and Otay Mesa/Nestor Library by transferring that amount to the repayment account for the Logan Heights Library and (2) Reprogramming \$14,437 that was budgeted for the Otay Mesa/Nestor Library, the Food Bank and the Logan Heights Family Health Center by transferring that amount into District 8's CDBG Reserve Account.

The CDBG funds transferred to Council District Reserve Accounts are available for CDBG eligible projects at the discretion of each respective Councilmember.

FISCAL IMPACT:

\$374,496 of CDBG funds will be transferred from HUD 108 loan repayment accounts to Council District Reserve Accounts; \$21,188 of CDBG funds will be transferred to the repayment account established for the Logan Heights Library.

Herring/Cunningham/ELL

Aud. Cert. 2500596.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Developer Fees FY 2004 Annual Report.

(See City Manager Report No. CMR-05-003.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-620) ADOPTED AS RESOLUTION R-300027

Accepting the Developer Fees Fiscal Year 2004 Annual Report, with attachments, as set forth in City Manager's Report No. 05-003;

Declaring that the City Council finds, with respect to funds reflected in the Developer Fees FY 2004 Annual Report as having been collected over five years before June 30, 2004, and as stated in Attachment 6 of the Developer Fees FY 2004 Annual Report, that the documentation: (1) Identifies the purpose to which the fee is to be put; (2) Demonstrates a reasonable relationship between the fee and the purpose for which it is charges; and (3) Identifies sources and amounts of funding anticipated to complete financing of incomplete improvements and the approximate dates on which such funding is expected to be deposited into the appropriate fund.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-103: Pacific Beach Elementary School Joint Use Improvement Project.

(Pacific Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-653) ADOPTED AS RESOLUTION R-300028

Authorizing the City Auditor and Comptroller to transfer \$20,000 from CIP-29-765.0, Pacific Beach Community Park – Requirements, to CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees;

Authorizing the City Auditor and Comptroller to appropriate and expend \$20,000 from CIP-29-658.0, Pacific Beach Elementary School Joint Use Improvements, Fund No. 79507, Pacific Beach Developer Impact Fees, to supplement funding previously authorized to cover additional costs to complete construction of Pacific Beach Elementary School Joint Use Improvements;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Pacific Beach Elementary School is bound by Turquoise Street to the north, Fauel Street to the east and Tourmaline Street to the south within the Pacific Beach Community Area in District 2. The improvement includes the relocation of existing play and sports equipment, and approximately 1.8 acres of irrigated and turfed multi-purpose playing fields.

On February 9, 2004, Council authorized the City Manager to enter into a Joint Use Agreement with the San Diego Unified School District at the Pacific Beach Elementary School site (O- 19259). The Agreement provides for the City to design, construct, operate and maintain approximately 1.8 acres of multi-purpose turfed playing fields on the school site.

On April 26, 2004, CDM Construction, Inc. was awarded as the low bidder and commenced construction on June 7, 2004. During construction of the project unforeseen conditions (such as extra thickness of existing asphalt) and changes to the scope of improvements resulted in additional costs. This request will transfer funds into the project to supplemental financing previously authorized to construct the project and to cover additional costs to complete the project.

FISCAL IMPACT:

The total estimated cost for this project is \$590,200 of which \$570,200 has been previously authorized. The additional funds in the amount of \$20,000 are available in Fund No. 79507, Pacific Beach Developer Impact Fees.

Herring/Oppenheim/AP

Aud. Cert. 2500582.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Construction of the Brown Field Airport Pavement Rehabilitation Project.

(Otay Mesa Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-410) ADOPTED AS RESOLUTION R-300029

Approving the plans and specifications for the construction of the Brown Field Airport Pavement Rehabilitation Project, and authorizing the City Manager, or his designee, to advertise for bids through City Contract Services;

Authorizing the expenditure of \$647,518 from CIP-31-174.0, Brown Field Airport Pavement Rehabilitation Project, for the purpose of pavement rehabilitation;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder, and authorizing the City Auditor and Comptroller to return excess budgeted funds, if any, to the contributing funds;

Authorizing the City Manager, or his designee, to execute a Second Amendment to Agreement with Parsons, Brinkerhoff, Quade & Douglas, Inc., the project consultants providing construction support services, in an amount not to exceed \$73,242, for a total project cost of \$164,120;

Authorizing the City Manager, or his designee, to apply for, and if granted, accept and expend \$7,500 in matching State Grant Funds;

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend funds if grant funding is secured, from CIP-31-174.0.

CITY MANAGER SUPPORTING INFORMATION:

CIP-31-174.0 is a recently designed project to slurry seal and restripes the airside pavement at Brown Field Airport. This action approves the plans and specifications, execution of the advertisement, award of construction agreements, and authorizes additional funding and expenditure of all funds associated with this project.

The existing condition of the runways and taxiways are showing signs of deterioration that include cracking and rutting. Many of these primary surfaces have been in existence since before the City acquired the Airport in 1962. The last rehabilitation project for a portion of these surfaces was completed in the early 1990's. The slurry seal and restripping of the airport operating areas will extend the life of paved surfaces. Design of the project was completed by Parsons, Brinkerhoff, Quade, & Douglas, Inc., and the plans and specifications were approved by the Federal and State agencies. Parsons Brinkerhoff will provide construction support management services as an Amendment to Contract No. 2.

The State of California Division of Aeronautics recently notified the City that they were authorized to make an additional Grant Offer to the City of San Diego in the amount of \$7,500 towards this project. The Manager requests authorization to apply for, accept, and expend the State Grant Offer.

FISCAL IMPACT:

\$647,518 from the Airport Enterprise Fund.

Herring/Griffith/Means

Aud. Cert. 2500569.

FILE LOCATION:

MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-105: Construction of the Montgomery Field Perimeter Fencing and Access Control Improvements – Phase II.

(Kearny Mesa Community Area. District 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-411) ADOPTED AS RESOLUTION R-300030

Approving the plans and specifications for the construction of the Montgomery Field Perimeter Fencing and Access Control Improvements Project – Phase II, as advertised by Contract Services;

Authorizing the expenditure of \$833,333 from CIP-31-339.0, Montgomery Field Perimeter Fencing and Access Control Improvements Project – Phase II, Fund No. 30244, Airports Enterprise Fund, for the purpose of executing the Phase II contract and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury and also authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager, or his designee, to execute a contract with the lowest responsible bidder and authorizing the City Auditor and Comptroller to return excess budgeted funds to contributing funds.

CITY MANAGER SUPPORTING INFORMATION:

Phase II of the Montgomery Field Perimeter Fencing and Access Control Improvement Project (CIP-31-339.0) has been designed. Federal and State local agencies have approved the plans and

specifications. The Project is ready for construction. The City Manager requests authorization to proceed.

Prior to the Project, some portions of Montgomery Field Airport were fenced, and some was not. Fence height ranged from 4-8 feet. Phase I added 8-foot fencing where none existed, completely fencing the airport perimeter. Phase II will add pedestrian, vehicle, and ADA compliant access controlled gates.

On May 6, 2003, the Council adopted Resolution Number R-297919, which authorized the City to accept a Grant Offer (AIP No. 3-06-0211-06) from Federal Aviation Administration in the amount of \$750,000, as well as a grant from the State of California for \$37,500 for the design and construction of Phase II of this project. On June 14, 2004, Council adopted Resolution R-299322, which authorized the Airports Division to accept an increase in State of California grant funding of \$45,833. Total funding identified for Phase II is \$833,333.

FISCAL IMPACT:

\$833,333 to the Airport Enterprise Fund.

Herring/Griffith/Mean

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-106: Grant Funds from Robert Wood Johnson Foundation for the Pathways to Knowledge Project.

(San Ysidro Community Area. District 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-705) ADOPTED AS RESOLUTION R-300031

Authorizing the City Manager to accept, expend and administer funds of \$10,000 from the Robert Wood Johnson Foundation;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to contracts, sub-contracts, applications, agreements, extensions, renewals, payment requests and amendments of future funding provided by the Robert Wood Johnson Foundation which may be necessary to carry out and administer the City's obligations, responsibilities under the terms of the grant;

Authorizing the City Auditor and Comptroller to accept, appropriate and expend grant monies in the amount of \$10,000, contingent upon receipt of a fully executed agreement;

Authorizing the City Auditor and Comptroller to establish a separate interest bearing account.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego has been informed that it has been awarded a \$10,000 grant from the Robert Wood Johnson Foundation for a 12-month period, beginning October 1, 2004, and ending September 30, 2005, for the purpose of creating a pedestrian pathways master plan as part of the Pathways to Knowledge program in San Ysidro.

The Pathways to Knowledge program is a network of integrated pathways connecting a variety of educational and cultural elements to encourage and enhance pedestrian activity within the historic core of San Ysidro. The pathways are part of the community's City of Villages project intended to demonstrate Smart Growth policy in San Diego.

Grant funds would be used for a one-time consultant study to create a Pedestrian Pathways Master Plan and to support community outreach activities on walkability, health and safety. The overall project would be guided and implemented by a partnership including the City of San Diego Planning Department as lead agency and several local and regional organizations including Casa Familiar, Walk San Diego, San Ysidro Health Clinic, Safe and Healthy Communities Consulting and the San Ysidro School District.

FISCAL IMPACT:

None. The Robert Wood Johnson Foundation has provided \$10,000 for this project.

Loveland/Goldberg

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-107: Construction of Electronic Speed Limit Signs in Miramar Ranch North.

(Miramar Ranch North Community Area. District 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-664) ADOPTED AS RESOLUTION R-300032

Amending the Fiscal Year 2005 Capital Improvements Program (CIP) Budget for CIP-61-001.0, Traffic Control and Calming Measures, Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, by increasing the budget amount by \$75,000;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$75,000 from Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads to CIP-61-001.0, Traffic Control and Calming Measures;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$75,000 from CIP-61-001.0, Traffic Control and Calming Measures, Fund No. 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, solely and exclusively, for the purpose of providing funds for the construction of six electronic speed limit signs in Miramar Ranch North;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install six electronic speed limit signs in the Miramar Ranch North community. Four signs are proposed at the following locations:

- Scripps Ranch Boulevard east of Miro Circle, facing eastbound traffic
- Spring Canyon Road west of Larmier Circle, facing westbound traffic
- Scripps Poway Parkway west of Angelique Street, facing westbound traffic
- Blue Cypress Canyon south of Cypress Canyon Road, facing southbound traffic

Two additional signs are proposed in Miramar Ranch North at locations yet to be determined. The estimated total cost of this project is \$75,000.

FISCAL IMPACT:

Council District 5 is providing \$75,000 as a transfer from Fund 392109, BCED McMillan-Miramar Ranch North Off-Site Roads, for this project.

Mendes/Boekamp/DZ

Aud. Cert. 2500563.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-108: Ratifying the Election Results for the Centre City Redevelopment Project Area Committee (PAC) and Centre City Advisory Committee (CCAC).

(See Centre City Development Corporation Report CCDC-04-28. Centre City Redevelopment Project. District 2.)

CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-663) ADOPTED AS RESOLUTION R-300033

Ratifying the election results of November 3 and 4, 2004, for the Centre City Redevelopment Project Area Committee and Centre City Advisory Committee of the San Diego Redevelopment Agency of the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Sewer Easement Vacation in Lots 3 and 4, Block 14, of La Jolla Park Map No. 352.

(La Jolla Community Area. District 1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-669) ADOPTED AS RESOLUTION R-300034

Vacating the sewer easement located within Lots 3 and 4, Block 14 of La Jolla Park Map No. 352, to unencumber his property and facilitate development of the site under the procedure for the summary vacation of public service easements, Section 8330 et seq. of the California Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a sewer easement in Lots 3 and 4, Block 14 of La Jolla Park, Map No. 352, as shown on Engineering Drawing No. 20234-B. This site is located in the La Jolla Community Plan area, northeasterly of Pearl Street and Olivetas Avenue in Council District 1.

The easement being vacated, which runs between Ravina Street and Pearl Street parallel to Olivetas Avenue, appears to have been created in the early 1900's. Existing structures currently connect to sewers in Ravina Street and Pearl Street, as shown on Engineering Drawing No. 32783-D, making this sewer and easement unnecessary. The easement was acquired at no cost to the City, and the City has no fee interest.

Staff recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Broughton/GRB

FILE LOCATION: DEED F-9857

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-110: Sale of a Portion of Water Department Land to the Padre Dam Municipal Water District. (Santee.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-651) ADOPTED AS RESOLUTION R-300035

Authorizing the City Manager to execute a deed conveying approximately 1.25 acres of Lots 3, 4, and 5 of Block 7 of Subdivision Tracts H and O of Rancho El Cajon, according to Map No. 817, filed in the Office of the San Diego County Recorder, in favor of the Padre Dam Municipal Water District and reserving to the City of San Diego an easement over all of the conveyed property for the El Monte Pipeline, on the terms and conditions as set forth in that certain Grant Deed and Legal Description.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego (City) purchased fee interest in a 50 foot by 1200-foot strip of land in Santee in 1945 for the El Monte Pipeline (Assessor Parcel Number 384-120-38). This strip of land bisects a parcel of land owned by the Padre Dam Municipal Water District (Padre Dam) which is currently improved with their offices. Padre Dam is interested in selling their land to a developer, and has requested to purchase the City's fee interest with the City reserving an easement to retain the existing pipeline.

City appraisal staff has determined that fair market value for the sale of the City's fee interest reserving the easement with basically the same rights that the Water Department enjoys now for the use of the El Monte Pipeline, is in the range of \$194,000 to \$230,000. Padre Dam has agreed to pay the City \$200,000 for the fee interest, with the easement reservation.

The grant deed to Padre Dam contains a reservation for an easement, which has virtually the same language contained in the original grant deed to the City in 1945 wherein the grantor at that time reserved surface use of the land.

FISCAL IMPACT:

\$200,000 will be deposited into Water Department Capital Outlay Fund 30246 upon close of escrow or recordation of the deed, whichever occurs first.

Herring/Griffith/MWF

FILE LOCATION: DEED F-9858

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-111: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-406) ADOPTED AS RESOLUTION R-300036

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L-State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-112: Declaring a Continued State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District 8.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-678) ADOPTED AS RESOLUTION R-300037

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L-State of Emergency Due to Economic Circumstances in the San Diego-Tijuana Border Region

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-113: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-681) ADOPTED AS RESOLUTION R-300045

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

CITY MANAGER SUPPORTING INFORMATION:

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users. The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L-Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV)

COUNCIL ACTION: (Time duration: 2:20 p.m. – 2:27 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

* ITEM-114: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2005-586) ADOPTED AS RESOLUTION R-300038

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L-State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Bid Protest Bonds and Clean Up Revisions to City's Public Contracting Ordinance.

(See City Manager Report CMR-04-174; and City Manager Report CMR-05-002, not available at Committee.)

TODAY'S ACTIONS ARE:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2005-77) INTRODUCED, TO BE ADOPTED
MONDAY, JANUARY 24, 2005

Introduction of an Ordinance amending Chapter 2, Article 2, of the San Diego Municipal Code by amending Division 8, Section 22.0807, relating to Debarment; by amending Division 30, Sections 22.3003, 22.3006, 22.3026, 22.3029, 22.3036, and 22.3037, Division 31, Section 22.3102 and Division 32, Sections 22.3212, and 22.3223, all relating to Administration of Contracts.

Subitem-B: (R-2005-645) ADOPTED AS RESOLUTION R-300046

Amending Council Policy No. 000-29, titled Hearing Procedures for Protests of Contract Selection or Non-Responsibility Designation.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 08/04/2004, NR&C voted 4 to 0 to approve the City Manager's recommendations. (Councilmembers Lewis, Frye, Madaffer, and Inzunza voted yea. Councilmember Zucchet not present.)

FILE LOCATION: SUBITEM A: NONE
 SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:28 p.m.)

MOTION BY INZUNZA TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-151: Four actions related to Torrey Pines Golf Course Projects.

(See City Manager Report No. CMR-04-247 and letter from John Beaver dated 11/10/2004; City Manager Report No. CMR-05-005 and memorandum from Ellen Oppenheim dated 12/17/2004, not available at Committee. University Community Area. District 1.)

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2005-676) ADOPTED AS AMENDED AS RESOLUTION R-300047

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-25-012.0, Torrey Pines Golf Course Renovation;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$400,000 to CIP-25-012.0, Torrey Pines Golf Course South Course Renovation from CIP-25-005.0, Torrey Pines Golf Course North Course Renovation;

Authorizing the expenditure of an amount not to exceed \$400,000 from CIP-25-012.0, Fund No. 41400, Golf Enterprise Fund, for the construction of Torrey Pines Golf Course South Course Renovation;

Authorizing the City Manager to enter into an agreement not to exceed \$3,332,591 with Kubley Golf Course Construction, Inc. for the design/build services for the Torrey Pines Golf Course North Course Renovation and Torrey Pines Golf Course South Course Renovation;

Authorizing the expenditure of an amount not to exceed \$3,332,591 from CIP-25-005.0, Fund No. 41400, Golf Enterprise Fund, for the construction of Torrey Pines Golf Course North Course Renovation.

Subitem-B: (R-2005-703) ADOPTED AS AMENDED AS RESOLUTION R-300048

Authorizing the City Manager to enter into negotiations with the Century Club for design and construction management for the construction of the new clubhouse at the Torrey Pines Golf Course.

Subitem-C: (R-2005-677) ADOPTED AS AMENDED AS RESOLUTION R-300049

Authorizing the City Manager to establish a nine hole rate for the South Course at Torrey Pines Golf Course: \$25 for weekdays and \$30 for weekends (Fees);

Directing the City Manager to review the above Fees annually to ensure that all reasonable costs incurred in providing services are being recovered and to approve fee schedules whenever possible in accordance with the City of San Diego Administrative Regulation 95.25;

Directing the City Clerk to amend the City Ratebook to include the Fees;
Authorizing the City Manager to adopt a schedule for discounted greens fees as needed to accommodate construction of the North Course maintenance and improvements.

Subitem-D: (R-2005-675) NOTED AND FILED

Certifying that the Mitigated Negative Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of the Torrey Pines Golf Course Projects (Project);

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 11/17/2004, NR&C voted 4 to 0 to (1) accept the report; 2) refer the tee-time issue to come back to the Natural Resources and Culture Committee in 90-120 days and revisit the brokerage issues at that time; 3) regarding the Volunteer Divot Program, direct the City Manager to meet with the marshals and the volunteers the golf course has lost to find out what would be acceptable in order to bring them back; and 4) direct the City Manager to grandfather in the Back 9 issue into the rate structure. (Councilmembers Zucchet, Frye, Madaffer, and Inzunza voted yea. District 4-vacant.)

Aud. Cert. 2500615.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:30 p.m. – 5:56 p.m.)

MOTION BY ZUCCHET TO ADOPT AS AMENDED THE RESOLUTIONS FOR SUBITEMS A-C, AND NOTE AND FILE SUBITEM D, WITH THE FOLLOWING AMENDMENTS:

1. TO NOT AUTHORIZE ANY OF THE ACTIONS PROPOSED WITH RESPECT TO THE NORTH COURSE MAINTENANCE IMPROVEMENTS, WITH THE EXCEPTION OF AUTHORIZING THE UPGRADE OF TEE MARKERS, SITE FURNISHINGS AND SIGNAGE ON THE NORTH COURSE.

DEPUTY MAYOR ZUCCHET REITERATED THAT THIS MOTION DOES NOT AUTHORIZE ANY OF THE PROPOSED RENOVATIONS, BUT THAT HE IS WILLING TO ENTERTAIN IDEAS AND ENGAGE IN A DISCOURSE OVER

THE NEXT COUPLE OF MONTHS WITH ANY COUNCIL MEMBER, STAFF, THE PUBLIC AND DAILY GOLF USERS, TO DETERMINE IF A RENOVATION PROJECT IS THE RIGHT THING TO DO AT SOME POINT IN THE FUTURE. HE ALSO WOULD LIKE INCLUDED IN ANY FUTURE DISCUSSIONS: A) MARK WOODWARD, PRESIDENT OF THE GOLF COURSE SUPERINTENDENTS ASSOCIATION OF AMERICA, WHO WILL BE RUNNING THE GOLF COURSE OPERATIONS IN THE CITY BEGINNING IN FEBRUARY; AND B) DAILY GOLF USERS TO GET THEIR PERSPECTIVE OF WHAT WOULD BE BEST FOR THE NORTH COURSE AND FOR THE DAILY PLAYERS OF THE GOLF COURSE.

HE ALSO REITERATED AND MADE CLEAR THAT WE NEED TO START MAINTAINING THE NORTH COURSE GREENS AS IS FOR THE FUTURE, AND NOT ASSUME THAT THE COUNCIL WILL APPROVE A FUTURE RENOVATION PROJECT.

IF AND WHEN THIS ISSUE OR ANY OTHER PROJECT COMES BEFORE COMMITTEE AND COUNCIL, STAFF IS DIRECTED TO HAVE SIGNIFICANTLY MORE DETAILED DESIGN AS TO EXACTLY WHAT IS BEING PROPOSED TO THE GREENS.

2. AUTHORIZE THE CITY MANAGER TO ESTABLISH A 9-HOLE RATE FOR THE SOUTH COURSE.
3. ON THE SOUTH COURSE, AUTHORIZE THE CITY MANAGER TO CONSTRUCT A NEW BUNKER COMPLEX AT HOLE 6, EXPAND THE SIZE OF TOURNAMENT TEE BOXES, REPLACE THE IRRIGATION HEADS, AND RE-LEVEL THE FAIRWAY LANDING AREA ON HOLE 18.
4. AUTHORIZE THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE CENTURY CLUB FOR THE POSSIBLE FUTURE CONSTRUCTION OF A NEW CLUBHOUSE. ALL PROPOSALS FOR ITS DESIGN, FUNCTION, AND A CONTRACT MUST COME BACK BEFORE THE FULL CITY COUNCIL FOR A HEARING BEFORE ANYTHING IS APPROVED.
5. AUTHORIZE THE APPROVAL OF A WORK PLAN TO RE-COLOR THE TEES ON THE SOUTH COURSE, MOVE THE PLAQUES, RE-COLOR THE SCORE CARDS AND REVISE THE SCGA RATINGS SO THAT THE "WHITE" TEE MARKERS ARE MORE PLAYABLE FOR THE GENERAL PUBLIC.

6. NOT APPROVE ITEM NO. 4 IN SUBITEM A, WHICH READS: "THAT THE CITY MANAGER IS AUTHORIZED TO ENTER INTO AN AGREEMENT NOT TO EXCEED \$3,332,591 WITH KUBLEY GOLF COURSE CONSTRUCTION, INC. FOR THE DESIGN/BUILD SERVICES FOR THE TORREY PINES GOLF COURSE NORTH COURSE RENOVATION AND TORREY PINES GOLF COURSE SOUTH COURSE RENOVATION."
7. IN SUBITEM C, NOT APPROVE PARAGRAPH 4, "THE CITY MANAGER IS AUTHORIZED TO ADOPT A SCHEDULE FOR DISCOUNTED GREENS FEES AS NEEDED TO ACCOMMODATE CONSTRUCTION OF THE NORTH COURSE MAINTENANCE AND IMPROVEMENTS."

ACCEPT COUNCIL MEMBER MADAFFER'S RECOMMENDATION THAT THERE SHOULD BE ADDED TO THE SOUTH AND NORTH COURSE SPRINKLER HEADS, DRAINAGE, SIDEWALKS, CURBS, MAINTENANCE BUILDINGS, OUT-BUILDINGS, SHEDS, AND IRRIGATION CONTROLLER BOXES WHICH COULD HAVE WRAPPING MATERIAL THAT MATCHES THE LODGE. IN ADDITION, MR. MADAFFER REQUESTED THAT THE NATURAL RESOURCES AND CULTURE COMMITTEE SHOULD CONSIDER TAKING OVER AND OPERATING ONE OF THE CITY-OWNED GOLF COURSES AS A MUNICIPAL GOLF COURSE FOR THE BENEFIT OF THE CITIZENS OF SAN DIEGO.

TO ENSURE THAT THE DIRECTION OF THE CITY COUNCIL IS BEING FOLLOWED, COUNCIL MEMBER MAIENSCHIEIN DIRECTED THAT THE ISSUE OF THE ALLOCATION OF TEE TIMES BE BROUGHT BACK BEFORE THE NATURAL RESOURCES AND CULTURE COMMITTEE.

ACCEPT COUNCIL MEMBER FRYE'S RECOMMENDATION TO AUTHORIZE STAFF TO INVESTIGATE THE FEASIBILITY OF TRANSFERRING TWO-INCH PLUGS OF THE THATCH THAT IS REMOVED FROM THE NORTH COURSE TO THE SOUTH COURSE DURING THE AERATION PROCESS. MISS FRYE ALSO REQUESTED THAT STAFF PROVIDE AN ALTERNATIVES ANALYSIS FOR ANY ENVIRONMENTAL DOCUMENT THAT MAY COME FORWARD DISCUSSING DESIGN, AND CONSTRUCTION AND PLACEMENT, WITH REGARD TO VARIOUS LOCATIONS WHERE THE CLUB HOUSE MIGHT BE LOCATED. MISS FRYE ALSO DIRECTED STAFF TO DETERMINE WHETHER A SEPARATE ENVIRONMENTAL DOCUMENT IS NECESSARY FOR THE SOUTH COURSE WORK AND THE NORTH COURSE WORK AND REPORT BACK TO COUNCIL IF A DETERMINATION CANNOT BE MADE.

ACCEPT COUNCIL MEMBER YOUNG'S RECOMMENDATION THAT STAFF PROVIDE A COST ANALYSIS OF AERATING THE GREENS VERSUS REPLACING THE GREENS.

Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Amending the San Diego Municipal Code Related to the City's Contribution.

CITY ATTORNEY'S RECOMMENDATION:

Introduce the following ordinance:

(O-2005-36) RETURNED TO THE CITY ATTORNEY

Introduction of an Ordinance amending Chapter 2, Article 4, Division 8, of the San Diego Municipal Code, by amending Section 24.0801, relating to the City's contribution.

SUPPORTING INFORMATION:

This amendment to Section 24.0801 of the San Diego Municipal Code deletes a reference to the prior agreements entered into by the San Diego City Employee's Retirement System and the City of San Diego. These agreements, otherwise known as Manager's Proposals I and II, established the City's contribution to the Retirement System. As part of the Settlement Agreement in the Gleason litigation, the City has agreed to delete this reference.

Gwinn

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 2:27 p.m. – 2:27 p.m.)

ITEM-201: Revised Master Plan for Undergrounding of Utilities – Fiscal Year 2005 Annual Allocation.

(See City Manager Report CMR-05-001. Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-622) ADOPTED AS RESOLUTION R-300051

Adopting a revised Master Plan for undergrounding of overhead utilities and approving an allocation of underground conversion projects totaling \$41.4 million for Fiscal Year 2005 as stated in the City Manager Report.

FILE LOCATION: STRT-K324 (38)

COUNCIL ACTION: (Time duration: 2:29 p.m. – 2:29 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: **Notice** of Settlement Claim Against the Performance Bond of M. L. Little Beaver Construction Company for Completion Costs of the Beckworth Library Construction Project.

(R-2005-644)

Adopted as Resolution R-299923 on 11/29/2004.

A Resolution approved by the City Council in Closed Session on Monday, November 29, 2004 , by the following vote: Peters-yea; Zucchet-yea; Atkins-yea; District 4-vacant; Maienschein-yea; Frye-not present; Madaffer-yea; Inzunza-yea; Mayor-yea.

Approving the settlement of the City of San Diego's claim against the performance bond of M. L. Little Beaver Construction Company accepting \$117,143 as completion costs for the construction of the Beckworth Library project;

Authorizing the City Manager to execute the agreement accepting the completion costs of \$117,143 in exchange for a general release of liability to the Surety;

Authorizing the City Manager to accept the Surety's agreement to defend and indemnify the City for any and all claims and liens filed by the Former Contractor's subcontractors;

Authorizing the City Auditor and Comptroller to accept funds in the amount of \$117,143. This constitutes the completion cost for the Beckworth Library Construction Project in full settlement of all claims against the Surety.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEM-251: Notice of Pending Final Map Approval - LXJ Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "LXJ Condominiums" (T.M. No. 42479), located southwesterly of 51st Street and Trojan Avenue in the Mid-City: City Heights Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have

questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-252: Notice of Pending Final Map Approval – Sycamore Estates Phase II.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Sycamore Estates Phase II” (T.M. No. 99-0899), located southeasterly of Pomerado Road and Beeler Canyon Road in the Military Facilities Reserve Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

ITEM-253: Notice of Pending Final Map Approval – 3783 36th Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3783

36th Street” (T.M. No. 50956 PTS No. 56125 JO No. 423656), located southeasterly of Wightman Street and Landis Street and 46th Street in the Mid-City: Normal Heights Community Planning Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

* ITEM-S500: Maintenance Administrative Fund Expenditure Authorization.

(City Heights, Downtown, Ocean Beach, North Park, and Little Italy Community Areas. Districts 2, 3, and 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-698) ADOPTED AS RESOLUTION R-300039

Authorizing the City Auditor and Comptroller to transfer administrative fees totaling \$71,145 from various maintenance assessment districts to Fund 70267,

for the purpose of providing administrative services for the Central Commercial, City Heights, Downtown PBID, Little Italy, and Newport Maintenance Assessment Districts (Districts);

Authorizing the expenditure of an amount not to exceed \$71,145 from Fund 70267, for the purpose of providing funds for the administration of the above-referenced Districts for Fiscal Year 2005, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This action would transfer to and authorize an expenditure of funds not to exceed \$71,145 to Fund 70267 for the Fiscal Year 2005, for the purpose of administering the Central Commercial, City Heights, Downtown PBID, Little Italy, and Newport Avenue Maintenance Assessment Districts (MADS) by the Economic Development Division of the Community and Economic Development Department. The Economic Development Division assumed the responsibility of managing the self-managed maintenance assessment districts in February of 2004 in an effort to enhance the City services available to the property owners within those districts.

Each district has executed a service agreement approved by the City Council, that provides for the payment of an administrative fee to the Economic Development Division to fund engineering, auditing, payment processing, budgeting, and other services related to the administration of each district. The fees range from a \$3,500 minimum to a 4% of assessed revenue. With this action, the funds collected from each service agreement will be deposited into the MAD Administrative Fund 70267 and will authorize the expenditure of funds. No funds are derived from the City's General Fund.

<u>District</u>	Revenue FY 2005	
	<u>Annual Assessments</u>	<u>City Administration Fee</u>
Central Commercial	\$ 218,439	\$ 8,737
City Heights	\$ 285,935	\$11,437
Downtown PBID*	\$2,910,990	\$26,500
Little Italy	\$ 524,284	\$20,971
Newport Avenue	<u>\$ 50,263</u>	<u>\$ 3,500</u>
Total	\$3,989,911	\$71,145

*Downtown PBID: An existing five-year contract that was negotiated and approved in FY 2000 stipulated a fixed administrative charge of \$26,500.

Expenses FY 2005

	<u>Expense</u>
CED Administration	\$31,285
Engineering	\$22,850
Auditors MOU	<u>\$17,010</u>
Total	\$71,145

Herring/Cunningham/LO

Aud. Cert. 2500591.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S501: Agreement with City Heights Business Association for Administration of Maintenance Services for the City Heights Maintenance Assessment District.

(City Heights Planning Area. Districts 3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-699) ADOPTED AS RESOLUTION R-300040

Authorizing the City Manager to execute an agreement with the City Heights Business Association, for administration of Contracts for Goods and Contracts for Services for the City Heights Maintenance Assessment District for a period not to exceed one year in accordance with the San Diego Municipal Code Section 65.0212, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$42,890 from Fund

No. 70268, for the purpose of providing funds for the above services beginning January 1, 2005 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On July 27, 2004, the majority property owners in the City Heights Maintenance Assessment District (District) requested that their contracts be administered by the "City Heights Business Association" (Corporation). The Corporation wishes to enter into this Agreement with the City of San Diego from January 1, 2005 to June 30, 2005.

This action will authorize the City Manager to sign and execute the Agreement between the City and the Corporation for the period beginning on January 1, 2005 and ending on June 30, 2005.

1. The Corporation will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the City Heights Maintenance Assessment District.

2. The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.

3. The Corporation will be compensated for administration in an amount not to exceed 15% of the Approved FY05 assessments.

FISCAL IMPACT:

Funds are available in the City Heights Maintenance Assessment District (Fund 70268) to reimburse the Corporation for maintenance services. Total approved annual Assessments for FY 2005 are \$285,935.

Herring/Cunningham/Kawar

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S502: Two actions related to Initiation of a Rezone and Amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan to Preserve the Rural Character of San Pasqual Valley.

(See City Manager Report CMR-04-177. San Pasqual Community Area. District 5.)

TODAY'S ACTIONS ARE:

Adopt the following resolution:

Subitem-A: (R-2005-692) ADOPTED AS RESOLUTION R-300052

Initiating the rezone process to rezone City owned parcels from AR-1-1 to AG-1-1 within the San Pasqual Valley Planning area, to ensure presentation of the rural character of the San Pasqual Valley.

Subitem-B: (R-2005-691) ADOPTED AS RESOLUTION R-300053

Initiating a Community Plan amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan to strengthen the policies that preserve the rural character of the San Pasqual Valley Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 08/04/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Lewis, Frye, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

The request for a rezone and amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan originated with the Land Use and Housing Committee's support for the San Pasqual Valley Vision Plan Implementation. On August 4, 2004, the Committee voted unanimously 4-0-0 to direct that Planning Department staff begin work on Directives 1 and 2 of

the San Pasqual Vision Plan. Directive 1 calls for staff to prepare a Council Policy that will reinforce the goals of adopted documents to maintain the San Pasqual Valley as an agricultural preserve. Directive 2 calls for staff to tailor zoning within the San Pasqual Valley to ensure the preservation of the Valley's existing rural character and to encourage appropriate agricultural uses. While work on Directive 1 is already underway, in order to begin work on Directive 2 the City Council must first initiate a rezone and amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan. Amendments to the Land Development Code to revise the regulations of the AG-1-1 zone may be proposed concurrently with these actions. The initiations for a rezone and plan amendment would allow staff to proceed with necessary analysis and potential revisions to adopted documents in order to ensure the preservation of the rural character of the San Pasqual Valley.

The initiation processes are identified in Sections 122.0103 (a) and 123.0103 (a) of the Land Development Code which state that the City Council may initiate an amendment to a community plan and rezone by adopting a resolution. The Rezone, Land Development Code Amendment and Community Plan Amendment will be a future action by the City Council.

Ewell/Witmond

FILE LOCATION: LAND-San Pasqual Valley Plan, Initiation of a Rezone and Amendment to the Progress Guide and General Plan to Preserve the Rural Character of San Pasqual Valley (10)

COUNCIL ACTION: (Time duration: 2:28 p.m. – 2:28 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S503: In the Matter of: SWORN IN

Swearing in Anthony Young as City Councilmember for District 4.

(Swearing in by San Diego City Clerk Charles G. Abdelnour.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:34 a.m.)

- * ITEM-S504: Adjourning the City Council Meeting of January 18, 2005, and the Rules Committee Meeting of January 19, 2005.

(See memorandum from Mayor Murphy dated 1/06/2005.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-722) ADOPTED AS RESOLUTION R-300041

Declaring that the schedule of meetings for the City Council and Standing Committees of the City Council for the period January 1, 2005, through December 31, 2005, is hereby amended as follows:

1. City Council Meeting of January 18, 2005, is adjourned, and
2. the Committee on Rules, Finance and Intergovernmental Relations Meeting of January 19, 2005, is adjourned.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea (nay on portion adjourning the City Council Meeting), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-S505: Appointments to the Relocation Appeals Board.

(See memorandum from Mayor Murphy dated 01/05/2005, with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-724) ADOPTED AS RESOLUTION R-300042

Council confirmation of the following appointments by the Mayor to serve as members of the Relocation Appeals Board, with terms expiring as indicated:

APPOINTMENTS

TERM ENDING

Guillermo Cabrera
Replacing Eva Sanchez Pesqueira,
whose term expired.

October 1, 2006

Douglas P. Monney, Jr.
Replacing Charles R. Dyer,
whose term expired.

October 1, 2006

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S506: Results of January 4, 2005, Special Run-Off Election for the Office of Councilmember for District Four.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-718) ADOPTED AS RESOLUTION R-300043

Declaring the results of the Special Run-Off Election held in Council District 4 in the City of San Diego on January 4, 2005.

SUPPORTING INFORMATION:

A Special Run-Off Election was held January 4, 2005, for the purpose of submitting candidates for the office of councilmember for District Four (4) to the voters of that Council District. The results of these elections have been certified by the Registrar of Voters and the City Clerk, and are now being certified to the City Council.

Abdelnour

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:28 a.m. – 10:28 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, District Four-Vacant, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S507: Ocean Beach Pier - Infrastructure Replacement.

(Ocean Beach Community Area. District 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-723) ADOPTED AS RESOLUTION R-300044

Amending the Fiscal Year 2005 Capital Improvements Program by adding CIP-29-877.0, Ocean Beach Pier - Infrastructure Replacement;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$153,000 in CIP-29-877.0, Ocean Beach Pier - Infrastructure Replacement, Fund No. 10575, Ocean Beach Pier Concession Fund;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$153,000 from CIP-29-877.0, Ocean Beach Pier – Infrastructure Replacement, Fund No. 10575, Ocean Beach Pier Concession Fund, for the purpose of electrical sewer infrastructure replacement;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$57,000 from Park and Recreation Department/Developed Regional Park's budget in Fund No. 100, Department No. 443, Organization No. 2305, Object Account No. 4213, and Job Order No. 023051 to Fund No. 630221, Contributions from Fund No. 100;

Authorizing an increase in the Fiscal Year 2005 Capital Improvements Program Budget by \$57,000 in CIP-29-877.0, Ocean Beach Pier - Infrastructure Replacement, Fund No. 630221, Contributions from Fund No. 100;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$57,000 from CIP-29-877.0, Ocean Beach Pier – Infrastructure Replacement, Fund No. 630221, Contributions from Fund No. 100, for the purpose of electrical and sewer infrastructure replacement.

CITY MANAGER SUPPORTING INFORMATION:

This request authorizes the City Manager or his representative to fund the construction and all associated costs of the replacement of the electrical service and sewage lift station at the Ocean Beach Pier that were unforeseeably damaged during the storm events that occurred the week of October 11, 2004. This resulted in the closure of Ocean Beach Pier because of unsafe pedestrian conditions due to lack of street lighting. The fog horn located at the end of the pier is temporarily powered by an unreliable power source. The existing electrical system does not meet California Building code requirements. Proposed work consists of substantial replacement of wire, panels and conduit to comply with current standards. Additionally, the existing sewer lift station is also deemed to not meet current standards. There have been several sewage spills on the pier and the City has recently been fined because of clogged pumps that resulted in a sewage spill. The condition of not having any street lights on the pier coupled with the eminent possibility of a sewage spill creates an emergency condition. It is intended to proceed with work in the most expedient manner so as not to inconvenience the public with any extended closure of the pier and the tenant operated concession stand. Work for this project shall be completed by Neal Electric as a Sole Source Contract.

FISCAL IMPACT:

The estimated total cost of this project is \$210,000. Of this amount \$13,000 is for engineering and related services, \$182,000 is for construction and \$15,000 is for contingencies. Funding of \$210,000 is available in CIP-29-877.0, Ocean Beach Pier - Infrastructure Replacement, Fund No. 10575, Ocean Beach Pier Concession Fund (\$153,000) and Park & Recreation Department/Developed Regional Parks' budget in Fund No. 100, Department no. 443, Organization No. 2305, Object Account No. 4213 and Job Order No. 023051 (\$57,000).

Herring/Oppenheim/AP

Aud. Cert. 2500636.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:51 a.m.)

CONSENT MOTION BY INZUNZA TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:01 p.m. in honor of the memory of:

Sheila P. Kletsky McCoy as requested by Council Member Frye; and
Alfrieda W. Jackson as requested by Council Member Maienschein.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 5:56 p.m. – 6:01 p.m.)